

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Kevin Rocheville

v.

Thomas Goulden, Matthew Keenlside,
Allison Caprigno,
Jody Harris-Stern, John Does,
Jane Does, and Town of Pelham, NH

Civil Action No. 19-CV-01169-AJ

JOINT MOTION TO CONTINUE TRIAL AND EXTEND DEADLINES

NOW COME the Parties, by and through counsel, and hereby respectfully request that this Court continue the currently scheduled March 16, 2021 Trial to the November 9, 2021 trial period or to the first available date thereafter except December, 2021. In support hereof, the Parties state as follows:

1. This case was commenced in state court in October, 2019 and removed to this court the following month. *See* Doc. No. 1.

2. Thereafter, three Defendants (McCall, McCarthy and Rourk) moved to dismiss the claims, which motions were granted by endorsed order dated January 10, 2020.

3. The remaining Parties (save Ms. Harris-Stern, who had not been served and has now been dismissed from the action) then filed a Proposed Discovery Plan [Doc. No. 22], which was adopted in large part by the Court on January 27, 2020 and the current trial date was established.

4. As the Court knows, the outbreak of the coronavirus became widely known, and widespread, shortly thereafter.

5. Although the Parties exchanged written discovery, as set forth in the Parties' Joint

Mediation Statement [Doc. No. 24], due to delays exacerbated by the coronavirus, the parties have not yet completed depositions in this case. As a result, the case is not yet ready for trial as it is currently scheduled.

6. In addition, Defendants expect to move for summary judgment on the majority if not all of the counts at the close of discovery.

7. Based the above, the Parties seek to continue the trial until the trial periods commencing November 9, 2021 or the earliest available date thereafter (except December, 2021 as counsel is unavailable) , and request a concomitant extension of deadlines as set forth in the attached Civil Form 3.

8. The clients have been informed of the relief sought herein and have assented thereto.

WHEREFORE, the Parties respectfully request this Honorable Court:

- A. Continue the currently scheduled trial date to date the period beginning November 9, 2021 or the earliest available date thereafter (except December, 2021);
- B. Extend the pretrial conference date and associated deadlines in accordance with a newly determined trial date; and
- C. Grant such further relief as justice requires.

Respectfully submitted,

KEVIN ROCHEVILLE

By his Attorneys,

Dated: February 25, 2021

By: /s/ William Aivalikles
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TOWN OF PELHAM, et. al.

By Their Attorneys,

Dated: February 25, 2021

By: /s/ Brian J.S. Cullen

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this date via the Electronic Case Filing (ECF) system upon all parties and counsel of record.

Dated: February 25, 2021

By /s/ Brian J.S. Cullen

Brian J.S. Cullen, Esq. (#11265)